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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,557	02/27/2002	Steve Schnetzler	2207/14007	5880

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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/083,557	SCHNETZLER, STEVE
	Examiner	Art Unit	
	Greg Bengzon	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

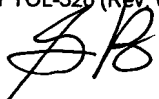11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-21 are pending.

Making Final

Applicant's arguments filed 07/12/2006 have been fully considered but they are not persuasive.

The Applicant arguments regarding -- 'forwarding the requested file including the identity of a server to a client' --   do not overcome the disclosure by the prior art as applied in the prior Office Action, as shown below.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

Priority

The effective date of the claims described in this application is February 27, 2002.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Barrera et

al. (US Patent 6748448), hereinafter referred to as Barrera .

O'Neil disclosed (re. Claim 1,8) a method of accessing data from a plurality of

servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65)

receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending

the request to a first server of the plurality of servers; receiving the data from the first

server.(Column 8 Lines 1-35, Column 9 Lines 5-30) and forwarding the data to the client

computer

However O'Neil did not disclose certain features of the invention, such as adding

an identity of the first server to the data, and the adding the identity of the first server

comprises revising the at least one URL to include a server identifier that corresponds

to the first server.

Barrera disclosed a system and method of increasing performance by reducing

latency the client experiences between sending a request to the server and receiving a

response. Barrera disclosed of receiving a request for network content and modifying

the URL, such that the URL request resource file physical I/O address is preferably embedded in the client computer browser page URL link, thereby establishing a correspondence between the browser page element and the resource file. (Barrera - Column 4 Lines 10-50, Column 8 Lines 50-65, Column 9 Lines 1-10) Barrera also disclosed of sending a host server name to a Domain Name System (DNS) server in order to look up the IP address of the indicated server. (Barrera - Column 3 Lines 35-45)

O'Neil and Barrera are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Barrera regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Barrera suggests (Column 4 Lines 1-5), to increase the performance of computer networks without requiring modifications of existing browser and enable by-passing some data storage access layers.

O'Neil disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 3,10) wherein the request is a Uniform Resource Locator (URL). (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

O'Neil disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Bodwell

et al. (US Patent 6954783) hereinafter referred to as Bodwell .

O'Neil disclosed (re. Claim 1,8) a method of accessing data from a plurality of

servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65)

receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending

the request to a first server of the plurality of servers; receiving the data from the first

server.(Column 8 Lines 1-35, Column 9 Lines 5-30)

However O'Neil did not disclose certain features of the invention, such as adding

an identity of the first server to the data and forwarding the data to the client computer,

and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Bodwell disclosed adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server. (Bodwell-Column 4 Lines 60 thru Column 5 Lines 25).

O'Neil and Bodwell are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Bodwell regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data and forward the data to the client computer, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Bodwell suggests (Column 2 Lines 20-35), to provide substantial advantages for mediating web pages.

Claim 8 is rejected on the same basis as Claim 1.

O'Neil-Bodwell disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (O'Neil-Column 4 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 3,10)   wherein the request is a Uniform Resource Locator (URL). (O'Neil-Column 4 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 4,11)   wherein the data is a HyperText Markup Language (HTML) page. (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 5,12)   wherein the HTML page comprises at least one Uniform Resource Locator (URL). (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 6,13)   wherein the sending the request to the first server comprises a load balancing algorithm. (O'Neil-Column 3 Lines 55-65)

O'Neil- Bodwell disclosed (re. Claim 7,14)   wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (O'Neil-Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

Response to Arguments

Applicant's arguments filed 02/20/2007 have been considered but are not persuasive.

The Applicant has presented essentially the same arguments regarding prior art by Barrera, thus the Examiner maintains the same response to the arguments as presented in the prior Office Action.

Regarding Bodwell, the Applicant presents the following argument(s) [*in italics*]:

[*In Bodwell] the software program 5 embeds the name of the target server, but does not forward the requested file including the identity of a server to a client computer...*

The Examiner respectfully disagrees with the Applicant. Bodwell Column 4 Lines 45-50 disclosed '*software program 5 can change links in the content of web page 35 to refer to intermediate server 10. This can be done for both absolute and relative URL links*'. Bodwell Column 3 Lines 30-35 disclosed '*Software program 5, after*

mediating the content, can then communicate the mediated content to the display window of web browser 20.' The Examiner notes that where the URL links are changed on the web page, after which the web page is sent to the browser, then the Bodwell disclosed *forwarding the requested file including the identity of a server to a client.*

Furthermore, the limitation for *sending of a URL address as part of a retrieval process to be sent to the requesting party* is disclosed by O'Neil. (O'Neil-Column 5 Lines 40-50, Column 7 Lines 55-65). Thus, where Bodwell provides the name of the server on the URL, the combination of O'Neil-Bodwell fully disclosed *forwarding the requested file including the identity of a server to a client.*

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Greg Bengzon whose telephone number is (571) 272-

3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn, Jr. may be reached at (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

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